

REMARKS

This Amendment is responsive to the Final Office Action dated October 6, 2004. The claim amendments included herein are merely clarifying amendments and are not meant to change the intended scope of the claims. Thus, the amendments present the rejected claims in better form for consideration on appeal, and should be entered in due course. Moreover, the amendments are manifest, requiring only a cursory review by the Examiner, thereby providing additional ground for their entry.

Claims 1-34 were pending in the application. In the Final Office Action, claims 1-34 were rejected. In this Amendment, claims 1, 7, 14, 18, 20, 21 and 23-29 have been amended. Claims 1-34 thus remain for consideration.

Applicants submit that claims 1-34 are in condition for allowance and request reconsideration and withdrawal of the rejections in light of the following remarks.

Specification

The specification was objected to for failing to provide proper antecedent basis for claim 21. Applicants respectfully disagree. The phrase “fourth recording means for recording” does have proper antecedent basis and support in the present specification. The Examiner is referred to page 6, line 31 to page 7, line 6 of the present specification.

§101 Rejections

Claims 1-34 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter.

Applicants have amended claims 1, 14, 23, 28 and 29 (claims 2-13, 15-22, 24-27 and 30-34 depend from respective ones of claims 1, 14, 23, 28 and 29) and submit that claims 1-34 are now directed to statutory subject matter. Accordingly, Applicants request that the rejection under §101 be withdrawn.

§112 Rejections

Claim 1-34 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Applicants have amended claims 1, 7, 14, 18, 20, 21 and 23-29 and submit that the amendments to the claims render claims 1-34 compliant with §112. Accordingly, Applicants request that the rejections under §112 be withdrawn.

§103 Rejections

Claims 1-34 were rejected under 35 U.S.C. 103(a) allegedly as being unpatentable over Gerszberg et al. (U.S. Patent No. 6,222,520) in view of Ebisawa (U.S. Patent No. 5,946,664).

Applicants respectfully submit that the independent claims (claims 1, 14, 23, 28 and 29) are patentable over Gerszberg and Ebisawa.

Applicants' invention as recited in the independent claims is directed toward a communication service method, a communication service apparatus, a communication terminal apparatus, a communication system and an advertisement method. Each of the claims recites "said second image being offered directly by the arbitrary communication terminal apparatus utilized by said first user to the arbitrary communication terminal apparatus utilized by a second user" (Emphasis ours). Supporting disclosure can be found throughout specification.

Since, Gerszberg and Ebisawa do not disclose “said second image being offered directly by the arbitrary communication terminal apparatus utilized by said first user to the arbitrary communication terminal apparatus utilized by a second user,” Applicants believe that claims 1, 14, 23, 28 and 29 are patentable over Gerszberg and Ebisawa.

Furthermore, since dependent claims inherit the limitations of their base claims, dependent claims 2-13, 15-22, 24-27 and 30-34 are believed to be patentable over Gerszberg and Ebisawa for at least the same reasons discussed in connection with the independent claims 1, 14, 23, 28 and 29.

Applicants submit that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicants’ undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below.


The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,

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